

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

ARZELL WILKERSON
Plaintiff,

v.

CAPITAL ONE
Defendant.

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* Case No.: CV-04-2865

FILED
CIRCUIT COURT OF
MONTGOMERY COUNTY
2004 OCT 27 PM 1:45

COMPLAINT

COMES NOW, the Plaintiff, in the above-styled cause and represents unto this Honorable

Court as follows:

1. Arzell Wilkerson is over the age of 19 years and is a resident citizen of Montgomery County, Alabama.
2. Capital One, is qualified to do business in Alabama and doing business in Montgomery County, Alabama.
3. Plaintiff avers that around a year ago she was informed that a revolving line of credit was opened in her named with Capital One. Plaintiff avers immediately upon notification of the above fact she undertook the necessary steps to correct this problem by filing the necessary forms as provided by said creditor and a police report.
4. Plaintiff avers as of this date, Capital One and its agents has on a continuous and malicious basis has harassed the same and publish adverse information to third parties such as credit reporting agencies.
5. Plaintiff avers that said acts are in violation of the Fair Credit Reporting Act. 15 U.S.C. § 1681n.
6. Plaintiff avers that said statements were published with knowledge of their falsity and a flagrant disregard for the truth. These reports were subsequently communicated to third parties and as a result Ms. Wilkerson has been denied credit and credit limits lowered on existing credit accounts.

WHEREFORE, premises consider the plaintiff asks this honorable court to award her damages in the amount of \$30,000 plus such other, further and different relief Plaintiff is entitled under these premises and cost of court.

N. Hurst, Jr.
Norman Hurst Jr. (HUR016)
Attorney for the Plaintiff
462-A Sayre Street
Montgomery, Alabama 36104
(334) 269-6449

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion was served on the following by mailing copies of same by United States First Class Mail in a properly addressed envelope with adequate postage affixed thereon to assure delivery, addressed as follows:

Capital One Services, Inc.
11011 West Broad Street
Glen Allen, VA 23060

This ____ day of October, 2004

N. Hurst, Jr.
Norman Hurst Jr.

State of Alabama
Unified Judicial System

Form C-34 Rev 6/88

SUMMONS
- CIVIL -

Case Number

CV-04-2865

IN THE Circuit COURT OF Montgomery COUNTY

Plaintiff

Arzell Wilkerson

v. Defendant

Capital One Services, Inc.,NOTICE TO 11011 West Broad Street, Glen Allen, VA 23060

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF OR PLAINTIFF'S ATTORNEY Norman Hurst WHOSE

ADDRESS IS 462-A Sayre Street, Montg, AL 36104

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

TO ANY SHERIFF OR ANY PERSON AUTHORIZED by the Alabama Rules of Civil Procedure:

- ☐ You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant.
- ☐ Service by certified mail of this summons is initiated upon the written request of _____ pursuant to the Alabama Rules of Civil Procedure.

Date _____

Melissa Pittenger
Clerk/Register

- ☐ Certified Mail is hereby requested.

Plaintiff's/Attorney's Signature

RETURN ON SERVICE:

- ☐ Return receipt of certified mail received in this office on _____ (Date)
- ☐ I certify that I personally delivered a copy of the Summons and Complaint to _____ in _____ County, Alabama on _____ (Date)

Date _____

Address of Server _____

Server's Signature _____

Type of Process Server _____

RECEIVED
CLERK OF COURT
MONTGOMERY COUNTY
ALABAMA
OCT 27 PM 1:43

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

ARZELL WILKERSON
Plaintiff,

v.

CAPITAL ONE
Defendant.

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* Case No.: _____

2004 OCT 27 PM 1:43
CIRCUIT COURT OF
MONTGOMERY COUNTY
ALABAMA

COMPLAINT

COMES NOW, the Plaintiff, in the above-styled cause and represents unto this Honorable Court as follows:

1. Arzell Wilkerson is over the age of 19 years and is a resident citizen of Montgomery County, Alabama.
2. Capital One, is qualified to do business in Alabama and doing business in Montgomery County, Alabama.
3. Plaintiff avers that around a year ago she was informed that a revolving line of credit was opened in her named with Capital One. Plaintiff avers immediately upon notification of the above fact she undertook the necessary steps to correct this problem by filing the necessary forms as provided by said creditor and a police report.
4. Plaintiff avers as of this date, Capital One and its agents has on a continuous and malicious basis has harassed the same and publish adverse information to third parties such as credit reporting agencies.
5. Plaintiff avers that said acts are in violation of the Fair Credit Reporting Act. 15 U.S.C. § 1681n.
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N. Hurst Jr.
Norman Hurst Jr. (HUR016)
Attorney for the Plaintiff
462-A Sayre Street
Montgomery, Alabama 36104
(334) 269-6449

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion was served on the following by mailing copies of same by United States First Class Mail in a properly addressed envelope with adequate postage affixed thereon to assure delivery, addressed as follows:

Capital One Services, Inc.
11011 West Broad Street
Glen Allen, VA 23060

This 27th day of October, 2004

N. Hurst Jr.
Norman Hurst Jr.

State of Alabama
Unified Judicial System

Form C-10 (front) Rev. 8/92

**AFFIDAVIT of SUBSTANTIAL
HARDSHIP and ORDER**

Case Number

CV-04-2865

IN THE Circuit COURT OF Montgomery COUNTY
☐ STATE OF ALABAMA ☐ MUNICIPALITY OF Arzell Wilkerson
 v. Capital One, Defendant

TYPE OF PROCEEDING:

CHARGE:

- ☒ CIVIL CASE - I, because of substantial hardship, am unable to pay the docket fee and service fees in this case. I request that payment of these fees be waived initially and taxed as costs at the conclusion of the case.
- ☐ CIVIL CASE (such as paternity, support, termination of parental rights, dependency) - I request an attorney be appointed for me.
- ☐ CRIMINAL CASE--I am financially unable to hire an attorney and request that the Court appoint one for me.
- ☐ DELINQUENCY/NEED OF SUPERVISION - I am financially unable to hire an attorney and request that the Court appoint one for my child.

AFFIDAVIT

INCOME / EMPLOYMENT

A. Do you have a job or work for yourself?

Employer's name and address _____

☐ Yes ☒ No

How much money do you take home each week?

+ \$ 190.00 worked only four DA

B. If unemployed, give month and year of last employment and amount earned per month

April 2003

C. Does your husband or wife have a job?

Employer's name and address MA☐ Yes ☐ No

How much money does he/she take home each week?

+ \$

D. Do you receive money or benefits from any other source?

(Example: retirement pay, social security, workmen's compensation, unemployment compensation, food stamps, rent payments, interest, dividends, etc.)

☒ Yes ☐ No

How much do you receive each month?

+ \$ 2211.00

ASSETS

A. Do you have any money in any bank, savings and loan, credit union, or any other place, including cash on hand?

Where? Colonial BankHow much? + \$ 11316.00☒ Yes ☐ No

B. Do you own anything else of value? (Land, house, boat, television, stereo, jewelry, car, truck, van, stocks, bonds, etc.)

What? House, Television, CAR☒ Yes ☐ No

Total Value + \$

DEPENDENTS

A. Are you: ☒ Single ☐ Married ☐ Widowed ☐ Divorced ☐ Separated?

B. Do you have any dependents?

☐ Yes ☒ No

Who and what relationship? _____

Form C-10 (back) Rev. 8/92

AFFIDAVIT of SUBSTANTIAL HARDSHIP and ORDER

What does it cost you to live each month?

- \$ 1150.00

DEBTS

Creditor	Total Debt	Monthly Payment
Loans	\$ NA	\$
Charge Accounts		200.00
House or rent payments		620.80
Alimony	NA	
Support	NA	
Car payment	NA	
Groceries		100.00
Utilities		230.00

In support of this request, I have answered the above questions relating to my ability to pay. I swear that these answers are true and reflect my present financial status. I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury.

I further understand and acknowledge that if the Court appoints an attorney to represent me, the Court may require me to pay the fees and expenses of my court-appointed counsel and costs of court.

Sworn to and subscribed before me this

27th day of October, 2004

Judge/Notary

Commission Exp: 8/6/08

Anell Wilkerson

Affiant Signature

Home Address 2256 Semmes DR.

Montgomery AL 36106

Social Security Number 422-58-4527

Date of Birth Jan. 5, 1944

ORDER

IT IS ORDERED THAT THE FOREGOING REQUEST BE:

☐ GRANTED☒ DENIED

IT IS THEREFORE, ORDERED AND ADJUDGED BY THE COURT THAT (Check one or more of the following boxes, as appropriate):

- ☐ Attorney at Law, be and is hereby appointed as counsel to represent, assist and defend in this (these) case(s).
- ☐ the prepayment of the docket fee be waived.
- ☐ the Court reserves the right and may order reimbursement of attorney's fees, expenses approved by the Court and paid to the appointed counsel, and costs of Court.

DONE this 20th day of December, 2004

Judge

State of Alabama Unified Judicial System Form C-34 Rev 6/88	<h2 style="margin: 0;">SUMMONS</h2> <h3 style="margin: 0;">- CIVIL -</h3>	Case Number <u>CV-04-2865</u>
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IN THE Circuit COURT OF Montgomery COUNTY

Plaintiff Arzell Wilkerson v. Defendant Capital One Services, Inc.

NOTICE TO 11011 West Broad Street, Glen Allen, VA 23060

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THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

TO ANY SHERIFF OR ANY PERSON AUTHORIZED by the Alabama Rules of Civil Procedure:

☐ You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant.

☒ Service by certified mail of this summons is initiated upon the written request of pursuant to the Alabama Rules of Civil Procedure.

Date APR 22 2005 Melissa Pittman
Clerk/Register

☐ Certified Mail is hereby requested.

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee <small>(Endorsement Required)</small>		
Restricted Delivery Fee <small>(Endorsement Required)</small>		
Total Postage & Fees	\$	

Recipient's Name (Please Print Clearly) (to be completed by mailer)
ARZELL WILKERSON

Street, Apt. No., or PO Box No.

City, State, ZIP+4

Plaintiff's/Attorney's Signature _____

Office on _____ (Date) _____

Summons and Complaint to _____ County _____

Server's Signature _____

Type of Process Server _____

AmH

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

☐ Complete items 1 and/or 2 for additional services.
Complete items 3, 4a, and 4b.

☐ Print your name and address on the reverse of this form so that we can return this card to you.

☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.

☐ Write "Return Receipt Requested" on the mailpiece below the article number.

☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

3. Article Addressed to:
*Capital One Service, Inc.,
11071 WEST BROAD STREET
Glen ALLEN, VA 23060*

4a. Article Number
10009600062391790099

4b. Service Type

☐ Registered ☒ Certified

☐ Express Mail ☐ Insured

☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
MAY 06 2005

5. Received By (Print Name)
[Signature]

8. Addressee's Address (Only if requested and fee is paid)
CV-04-2865 D1

6. Signature (Addressee or Agent)

PS Form 3811, December 1994 HUR 016 102595-99-B-0223 Domestic Return Receipt

Thank you for using Return Receipt Service.

P- Angell Wilkerson

d- Capital One Services Inc

5-10-05

State of Alabama
Unified Judicial System

Form C-10 (front) Rev. 8/92

AFFIDAVIT of SUBSTANTIAL
HARDSHIP and ORDER

Case Number

CV-04-2865

IN THE

Circuit

COURT OF

Montgomery

COUNTY

☐ STATE OF ALABAMA☐ MUNICIPALITY OFArzell Wilkerson

v.

Capital One

, Defendant

TYPE OF PROCEEDING:

CHARGE:

- ☒ CIVIL CASE-I, because of substantial hardship, am unable to pay the docket fee and service fees in this case. I request that payment of these fees be waived initially and taxed as costs at the conclusion of the case.
- ☐ CIVIL CASE (such as paternity, support, termination of parental rights, dependency) - I request an attorney be appointed for me.
- ☐ CRIMINAL CASE--I am financially unable to hire an attorney and request that the Court appoint one for me.
- ☐ DELINQUENCY/NEED OF SUPERVISION - I am financially unable to hire an attorney and request that the Court appoint one for my child.

AFFIDAVIT

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A. Do you have a job or work for yourself?

Employer's name and address _____

How much money do you take home each week? _____

B. If unemployed, give month and year of last employment and amount earned per month

April 2003☐ Yes ☒ No

C. Does your husband or wife have a job?

Employer's name and address _____

How much money does he/she take home each week? _____

D. Do you receive money or benefits from any other source?

(Example: retirement pay, social security, workmen's compensation, unemployment compensation, food stamps, rent payments, interest, dividends, etc.)

How much do you receive each month? _____

OCT 27 PM 1:43
+ \$ 1800.00
Weekend only Four Days☐ Yes ☐ No

+ \$ _____

☒ Yes ☐ No+ \$ 2211.00A
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A. Do you have any money in any bank, savings and loan, credit union, or any other place, including cash on hand?

Where? Colonial BankHow much? + \$ 11316.00

B. Do you own anything else of value? (Land, house, boat, television, stereo, jewelry, car, truck, van, stocks, bonds, etc.)

What? House, Television, CAR☒ Yes ☐ No

Total Value + \$ _____

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SA. Are you: ☒ Single ☐ Married ☐ Widowed ☐ Divorced ☐ Separated?

B. Do you have any dependents?

Who and what relationship? _____

☐ Yes ☒ No

MEDIATION REQUESTED: ☐ YES ☐ NO ☐ UNDECIDED